

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TIAYATA' CENEE' JOHNSON,  
RO'NAIJH JOHNSON, RO'JUAN LEANDRE  
JOHNSON, MERAIJH ROMANCE JOHNSON,  
and SAMIAYA ROMAJ JOHNSON, Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

MONROE L. JOHNSON,

Respondent-Appellant,

and

MAURICE GLENN,

Respondent.

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UNPUBLISHED  
November 14, 2006

No. 270002  
Wayne Circuit Court  
Family Division  
LC No. 03-417503-NA

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(ii), (g), and (h). Because petitioner established by clear and convincing evidence at least one statutory ground for termination of parental rights and the record as a whole fails to establish by clear evidence that termination is not in the children's best interests, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent-appellant's children had been in foster care since March 2003. During the three years the children were in foster care, respondent-appellant was out of prison for about eight months. Respondent-appellant made progress during those eight months but followed that progress with another arrest, conviction, and incarceration. Respondent-appellant's earliest outdate is April 2008. Although there were relatives who expressed an interest in caring for the children, the trial court was not under a duty to place the children with relatives. *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1993); *In re Sterling*, 162 Mich App 328, 341-342; 412 NW2d 284 (1987). Moreover, because the children had been placed with the relatives for such a short period of time, there was no evidence from which to conclude that they would be able to provide the children with stability and permanence until respondent-appellant was released from prison. Accordingly, the trial court did not clearly err in terminating respondent-appellant's parental rights rather than delaying permanency for two or three more years of the children's lives in the hope that respondent-appellant might be able to turn his life around and provide proper care and custody for them.

Affirmed.

/s/ Karen M. Fort Hood  
/s/ Christopher M. Murray  
/s/ Pat M. Donofrio